IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4067 of 2005

Between:

V.V. Kumar, S/o Laxmaiah,
Nagar Kurnool, Mahaboobnagar District.

.....PETITIONER

AND

The Depot Manager, APSRTC, Nagarkurnool,
Mahaboobnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or directions, more in the nature of Writ of mandamus, declaring the Office Order dated 20-7-1992 as illegal and arbitrary and set aside the same with all consequential benefits including arrears.

Counsel for the Petitioner: MR.P.GOVINDA RAJULU

Counsel for the Respondent: MR.P.VINAYAKA SWAMY

The Court made the following :

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ORAL ORDER:

The petitioner was working as Conductor in the respondent-Corporation. He was issued a charge sheet on 22.4.1992 and after receiving the explanation of the petitioner, final orders were passed on 20.7.1992 imposing the punishment of withholding annual increments for a period of two years with cumulative effect. The petitioner questioned the order on the ground that though the reduction of annual increments with cumulative effect is a major penalty the respondent passed the impugned order without conducting any enquiry as required under the Rules. Therefore, the impugned order is illegal and is liable to be set aside.

The learned counsel for the petitioner relied on a judgment of the Supreme Court in **KULWANT SINGH GILL Vs. STATE OF PUNJAB** wherein the Supreme Court held that since the punishment imposed on the petitioner is a major punishment, the order cannot be sustained without enquiry. The petitioner, therefore, seeks to declare

the order as illegal and it is liable to be set aside.

The petitioner, after receiving adverse orders, slept over the matter for a period of 12 years. There are latches on his part in asserting his right regarding this issue. Though the impugned order is liable to be set aside but on account of long lapse of time, in view of the judgment of the Supreme Court in **Kulwant Singh Gill's** case (1 supra), I am of the view that it would be appropriate if the punishment imposed on the petitioner is treated as reduction of one annual increment without cumulative effect. The petitioner is not entitled to the difference of the amount, if any, by virtue of this order for the period from the date of the impugned order till the date of this order. But, he is entitled to get increments on notional calculation from the date of this order, as he has been imposed penalty of reduction of two annual increments without cumulative effect.

The writ petition is disposed of with the above observation. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU,J.)

3rd March, 2005.

bcj

To

1. The Depot Manager, APSRTC, Nagarkurnool,

Mahaboobnagar District.

2. Two C.D. copies.